

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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In re: Chapter 11

ETOYS, INC., et al., Case Nos. 01-0706 (MFW)
through 01-0709

Debtors.

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ROBERT K. ALBER, *Pro Se*,

Appellant,

v.

Civil Action No. 05-830 (KAJ)

TRAUB, BONACQUIST & FOX, LLP,
BARRY GOLD, MORRIS, NICHOLS,
ARSHT & TUNNELL, LLP, and POST-
EFFECTIVE DATE COMMITTEE OF
EBC I, INC.,

Appellees.

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**APPELLANT/CROSS APPELLEE ROBERT K. ALBER
HEREBY SUBMITS A CERTIFICATE OF SERVICE
FOR THE ALBER APPELLATE BRIEF.**

I, Robert K. Alber, Pro Se Appellant (case no. 05-0830)/Cross Appellee (case no. 05-0831) (hereafter referred to as "ALBER" whether in the first or third person as appropriate grammar dictates), does hereby submit this Certificate of Service along with a correction to the ALBER Appellate Brief.

On page 52, item no. 112, an erroneous entry was included in the ALBER Appellate Brief, and ALBER was not aware of the inclusion of said ‘erroneous entry’ until after the ALBER Appellate Brief was served on all parties by USPS mail. As said ‘erroneous entry’ served no functional purpose other than to harass the Bankruptcy Court and the Bankruptcy Court’s Clerk’s Office, ALBER submits that an official apology by ALBER along with the redaction of said ‘erroneous entry’ is sufficient to rectify any harm that may have occurred. ALBER does state here that said ‘erroneous entry’ was composed by someone other than ALBER, and that ALBER does not have any knowledge of, nor agrees with, the language, intent or purpose of said ‘erroneous entry.’ (Attached to this Certificate of Service as *Exhibit A* is the new, redacted page 52, which ALBER respectfully requests all parties to substitute for the original page 52.)

The full explanation behind the inclusion of said ‘erroneous entry’ is of an internal, personal nature which ALBER will deal with; therefore not, in ALBER’s opinion, appropriate for any further discussion before this Court. Except for three (3) statements:

- 1) Other matters also connected with the inclusion of the aforementioned ‘erroneous entry’ also contributed negatively to the inclusion of the ALBER Appellate Brief in the Court Record; and,
- 2) ALBER states here that nothing within this document is directed toward, or references, any acts on the part of Defendants, or is meant in any way as an incrimination or allegation toward any person involved in these proceedings.
- 3) Personnel within the Bankruptcy Clerk’s Office have, in ALBER’s personal dealings with said individuals, always reflected the utmost professionalism in performing their official duties.

ALBER, here, does respectfully affirm that in the future ALBER will take even more care in preparing documents so that no further corrections are necessary, and requests that ALBER’s current medical condition continue to be taken into account.

Also, due to computer networking problems, the email service was not completed to parties listed on the Service List until January 22nd, 2007. Despite ALBER's best efforts and intentions, said inability to correct said computer networking problems in a timely manner were due to health issues which ALBER is, and has been, experiencing for many months, and for which ALBER has recently suffered emergency surgery, several hospital visits, and ongoing invasive testing (at the direction of both Physicians and Medical Specialists) to determine the cause of ALBER's deteriorating health. These health issues are in *combination* with effects on ALBER's health brought before this Court previously.

But, since the USPS mail service was completed ALBER also submits that this is inconsequential and mention of this matter only serves to make the official record complete and accurate for reasons of posterity.

Dated: January 22nd, 2007

RESPECTFULLY SUBMITTED,



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Appellant/Cross Appellee

Exhibit A

112.

The image consists of a vertical column of ten horizontal black bars. The bars are evenly spaced and decrease in length from top to bottom. The top bar is the longest, and the bottom bar is the shortest. All bars are solid black and have a thin white border.

113. While the retention of GOLD is addressed In re: United Color Press 129
B.R. 143, 145 (Bankr. S.D. Ohio 1991) "professionals are those that play a
central/intimate role -estate". Also stated In re: Stahl v Bartley Lindsay 137 B.R. 305,
309 (D. Minn. 1991) "Courts have concluded that financial advisors must be retained
under 11 USC § 327(a). The disqualification of all parties involved is mandatory, for the
sake of the Integrity of the Judicial Process.

114. The failure to disqualify and DISGORGE violates "unambiguous" statutory language and the well established principles of both the 3rd Circuit and the Supreme Court concerning 327(a). His Honor Alito stated in the Matter of U.S. Trustee v Price Waterhouse, Sharon Steel Corp., (*Lexsee 19 F.3d 138, 1994 App. LEXIS 4605*

CERTIFICATE OF SERVICE

I, Robert K. Alber, hereby certify that I served copies of the ALBER Appellate Brief by USPS Priority Mail on the 19th day of January, 2007, and by electronic communications (email) on January 22nd, 2007, on the parties listed below at the following addresses:

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